

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Transportation)**

Requested: November 3, 2003
Introduced and read first time: January 14, 2004
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: January 27, 2004

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicle Administration - Administrative Appeals and Hearings**

3 FOR the purpose of repealing the authority of the Motor Vehicle Administration to
4 delegate to the Office of Administrative Hearings the power to render proposed
5 findings of fact and proposed conclusions of law in certain hearings under the
6 Maryland Vehicle Law; expanding the authority of the Administration to
7 delegate to the Office of Administrative Hearings the power to render final
8 decisions in hearings under the Maryland Vehicle Law; and generally relating to
9 the delegation of certain powers to the Office of Administrative Hearings.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 12-104
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Transportation**

18 12-104.

19 (a) In addition to the specific powers granted and duties imposed by this title,
20 the Administration has the powers and duties set forth in this section.

1 (b) The Administration may adopt rules and regulations to carry out:

2 (1) Those provisions of the Maryland Vehicle Law that relate to or are
3 administered and enforced by the Administration; and

4 (2) The provisions of any other law that the Administration is authorized
5 to administer and enforce.

6 (c) (1) The Administration shall maintain as many offices in this State as
7 the Administrator considers necessary to carry out the powers and duties of the
8 Administration.

9 (2) Each office shall be open on the days and during the hours that the
10 Secretary determines are needed to serve the public.

11 (d) (1) With the approval of the Secretary, the Administration shall employ
12 the deputies, subordinate officers, clerks, investigators, and other employees
13 necessary to carry out the powers and duties of the Administration.

14 (2) Except as otherwise provided by law, and subject to § 2-103.4 of this
15 article, each deputy, officer, and employee of the Administration:

16 (i) Is in the State Personnel Management System; and

17 (ii) Is entitled to the salary provided in the pay plan established
18 under Title 8, Subtitle 1 of the State Personnel and Pensions Article.

19 (e) [(1) Except as provided in paragraph (2) of this subsection, the] THE
20 Administration may delegate to the Office of Administrative Hearings the power and
21 authority under the Maryland Vehicle Law to conduct hearings under this article and
22 render [proposed findings of fact and proposed conclusions of law.

23 (2) The Administration may delegate to the Office of Administrative
24 Hearings the power and authority under the Maryland Vehicle Law to render] final
25 decisions in hearings conducted under [§§ 13-705.1, 21-1005, and 22-218, and Title
26 16, Subtitles 1 through 4 of] this article.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect October 1, 2004.